

OVERVIEW

Because of the highly confidential status given to information concerning substance abuse treatment, particular care must be exercised when that information is released. See SRM 131, Confidentiality - Substance Abuse Records.

**Complaints From
Substance Abuse
Treatment
Agencies**

Substance abuse agencies must comply with the Child Protection Law by reporting suspected child abuse and/or neglect and subsequently filing a written report. Complaints of suspected child abuse or neglect received from substance abuse treatment agencies may be investigated by the department. However, stringent federal confidentiality regulations (42 CFR, part 2) govern the handling of information received from a substance abuse agency.

Federal regulations apply to licensed substance abuse agencies in the state. The department must comply with these regulations (42 CFR, part 2) when information is received from a substance abuse agency. See SRM 131, Confidentiality - Substance Abuse Records.

**REQUEST FOR
ADDITIONAL
INFORMATION
FROM A
SUBSTANCE ABUSE
AGENCY WHICH
HAS FILED A
COMPLAINT**

CPS may need additional information/records from the substance abuse agency. Such records may be a necessary part of evidence to investigate allegations of child abuse and/or neglect. Examples include:

- An emergency room record that documents medical facts of examination findings indicating that an injury was not accidental and includes a positive drug screen on the perpetrator.
- A parent is not complying with a treatment program and thus poses continued threat of harm to the child.

If the department needs additional information from the substance abuse agency, the department must have the patient sign a consent for the release of confidential information (use the DHS-1555-CS). See SRM 131, Confidentiality - Proper Written Consent for Release of Substance Abuse Information.

**Client Refusal to
Sign a Consent for
the Release of
Confidential
Information**

If the client refuses to sign, a court order must be sought. See SRM 131, Confidentiality - Court Order/Subpoena.

**RELEASE OF
INFORMATION BY
THE DEPARTMENT**

**For Purposes of
Referral**

If the department decides to refer the client to another agency or for other services related to the client's substance abuse treatment, information on the substance abuse treatment must not be released without a client signed consent. (See SRM 131, Confidentiality - Proper Written Consent for Release of Substance Abuse Information or Client Refusal to Sign a Consent for the Release of Confidential Information if the client refuses to sign a consent.)

**Family Division of
Circuit Court
Action**

If the department files a petition with the Family Division of Circuit Court, information on substance abuse treatment must not be released without a client signed consent. (See SRM 131, Confidentiality - Proper Written Consent for Release of Substance Abuse Information or Client Refusal to Sign a Consent for the Release of Confidential Information above if the client refuses to sign a consent.)

**Criminal Court
Action**

Substance abuse treatment information obtained by the department via client records **cannot** be released to law enforcement/prosecuting attorney. See SRM 131, Confidentiality - Criteria For Release.

**Substance Abuse-
Laboratory
Screens**

See PSM 713-07, Substance Abuse - Lab Screens for more information on substance abuse laboratory screens and SRM 131, Confidentiality - Substance Abuse Records regarding the confidentiality of those screens.